

**Enrolled Minutes of the Eighteenth Meeting
A Special Meeting of the Twenty-Sixth Highland Town Council
Tuesday, September 30, 2008**

Special Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its specially called session on Tuesday, September 30, 2008 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The special session was opened with the Town Councilor Mark A. Herak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; and Peter T. Hojnicky, Metropolitan Police Chief.

Laurel Roach and Karen Ziants of the Community Events Commission were also present.

Special Orders:

1. Adoption Hearing of the Proposed Fiscal Year 2009 Budget for the Town of Highland.

- (a) *Verification of Proofs of Publication.* It was noted that the proofs were previously reviewed and verified by the Town Attorney.
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) **Resolution No. 2008-42:** A RESOLUTION ADOPTING and APPROVING FINDINGS IN RESPONSE TO A TAXPAYER OBJECTING PETITION FILED PURSUANT TO IC 6-1.1-17-5, and RELATED TO the PROPOSED BUDGET of the TOWN of HIGHLAND for FY 2009. Councilor Herak moved the passage and adoption of Resolution No. 2008-42. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2008-42**

A RESOLUTION ADOPTING and APPROVING FINDINGS IN RESPONSE TO A TAXPAYER OBJECTING PETITION FILED PURSUANT TO IC 6-1.1-17-5, and RELATED TO the PROPOSED BUDGET of the TOWN of HIGHLAND for FY 2009

WHEREAS, On Monday, September 8, 2008 the Town Council of the Town of Highland conducted a pre-adoption hearing on the proposed budget for FY 2009;

WHEREAS, An objecting petition in 2 counterparts was filed on Monday, September 15, 2008, signed by ten taxpayers;

WHEREAS, IC 6-1.1-17-5 (b) provides that: "*Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object;*"

WHEREAS, IC 6-1.1-17-5 (c) further provides that: "If a petition is filed the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing; and,

WHEREAS, The Town Council now desires to approve and adopt findings in response to the objecting petition pursuant to IC 6-1.1-17-5-(c),

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. Having reviewed the objecting petition as filed by taxpayers on September 15, 2008, pursuant to IC 6-1.1-17-5, identifying three (3) objections concerning the budget, tax rate, or tax levy and having conducted a public hearing on Tuesday September 30, 2008 regarding this matter, the Town Council as the fiscal and legislative body for the Town of Highland hereby makes the following findings and determinations:

(A) That regarding the taxpayer objection to the decreased net assessed valuation employed by the Town as part of its advertisement and will inform its adoption of the FY 2009 budget, that the Town Council finds and determines the following:

1. That reduction of the net assessed valuation, in this case using 70 % of the certified NAV of Pay 2007, is considered a customary and usual practice among public finance practitioners when preparing budgets in Indiana. The practice protects the unit from an undesirable under funding caused by a rate that may be too low owing to a downward change in the NAV that may occur. Further, a more current NAV would be used, but was not available owing to delays in the process establishing the FY 2008 budget. Further, it should be noted that the fiscal officer in preparing the proper form for the publication of the proposed budget according to IC 6-1.1-17-3, discloses on the form that the AV is reduced and the basis of the reduction.

2. That taxpayers are protected from unduly high tax rates by ordinary operation of the budget process and law. Property tax rates adopted by the Town Council really should be seen as a "not-to-exceed" rate rather than a final rate. When budgets are finally certified, the rates will be adjusted downward when the certified NAV is applied. In this case, rates may be seen as a quotient or the outcome from a fraction i.e. the tax levies of the town are the dividend or numerator, the net assessed value is the divisor or denominator with the result being the tax rate, or quotient.

3. That based upon the foregoing, having considered the objection, the Town Council finds and determines that no change is merited to the net assessed valuation, set at 70% of the certified NAV for FY 2007, employed by the Town as part of its advertisement and to inform its adoption of the FY 2009 budget.

(B) That regarding the taxpayer objection to the \$25,000 increase over FY 2008 in the Town Council Office of the Corporation General Fund in the proposed Budget for FY 2009, that the Town Council finds and determines the following:

1. That the increase in the \$25,000 increase over FY 2008 in the Town Council Office of the Corporation General Fund is in consequence of both forecasted increases in the cost of legal services and the cost associated with financing time warrants for the general fund. This should be seen as a net increase as proposed. It is noted that the legal services including ordinance deferral work is increased by \$9,112 over the FY 2008. It is further noted that the interest on time warrants is increased by \$23,000 over FY 2008.

2. That in FY 2008, the manner of compensation for the Town Attorney changed from a fixed retainer for attendance at Town Council meetings and an hourly rate for other services to solely compensation at an hourly rate. It is further noted that legal expenses posted through September 4, 2008 totaled \$40,825.

3. That the increase to time warrants is based upon the possible continuing delays in tax distributions, increasing the amount of the principal borrowed, and the condition of the short term credit market generally. In 2008, the budgeted amount for interest was \$100,000. The actual amount needed is for \$119,000.

4. That following mark-up meeting with the Town Council President, reductions to other areas were proposed, reducing the proposed budget by \$6,000, bring the net increase to \$19,000 in the Town Council budget.

5. That based upon the foregoing, having considered the objection, the Town Council finds and determines that after a reduction of \$6,000 from the proposed budget of the Town Council Office of the Corporation General Fund in the proposed Budget for FY 2009, no further change is merited, and the net increase after the reduction will inform the adoption of the FY 2009 budget.

(C) That regarding the taxpayer objection to the \$286,589 increase over FY 2008 in the Metropolitan Police Department of the Corporation General Fund in the proposed budget for FY 2009, that the Town Council finds and determines;

1. That the increase in the \$286,589 increase over FY 2008 in the Metropolitan Police Department of the Corporation General Fund in the proposed budget for FY 2009 is in consequence of some calculations informed from now determined to be mistaken base assumptions.

2. That following mark-up meeting with the Town Council President and the Town Council, reductions to other areas were proposed, reducing the proposed budget by \$153,192 net, bringing the net increase to \$133,397 in the Metropolitan Police Department budget.

3. That based upon the foregoing, having considered the objection, the Town Council finds and determines that after a reduction of \$153,192 from the proposed budget of the Metropolitan Police Department of the Corporation General Fund in the proposed Budget for FY 2009, no further change is merited, and the net increase after the reduction will inform its adoption of the FY 2009 budget.

Section 2. That any testimony received on this matter is hereby directed to be included as an exhibit to this resolution and that both this resolution and exhibit be filed with the adopted budget, all pursuant to IC 6-1.1-17-5.

DULY RESOLVED and ADOPTED this 28th Day of April 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

Testimony

The following represents what is memorialized in the minutes of the Town Council meeting of **Monday, September 8, 2008** during the pre-adoption hearing on the proposed FY 2009 Budget of the Town of Highland.

Special Orders:

1. Pre-Adoption Hearing of the Proposed Fiscal Year 2009 Budget for the Town of Highland.

- (a) *Verification of Proofs of Publication.* The Town Attorney indicated that the Proofs of publication were in compliance with IC 5-3-1.
- (b) Introduction of **Proposed Ordinance No. 1405:** An Ordinance of Appropriations and Budget Levies and Rates for the 2009 Budget. *Councilor Vassar introduced and filed Ordinance No. 1405. There was no further action pursuant to IC 6-1.1-17.*

Pursuant to IC 6-1.1-17 et seq., consideration of the proposed ordinance for adoption cannot take place sooner than ten (10) days following the pre-adoption hearing. Consideration for passage and adoption of the Proposed Ordinance will be at a **special meeting of the Town Council, Tuesday, September 30, 2008 at 7:00 p.m.**

- (c) **Public Hearing.** The Town Council President called the hearing to order.

- 1. Joseph Wszolek, 3731 42nd Place, Highland, inquired whether or not the proposed budget had been filed with the Lake County Council for its review as called for in a recently changed law. *(It was noted that the proposed budget would be filed at least 15 days before its scheduled adoption of September 30, 2008.)*

Mr. Wszolek inquired about the rationale for increases in the Town Council, Streets and Sanitation, and the Metropolitan Police Department budgets.

Mr. Wszolek inquired about the disposition of any agreement that may be in consequence of the election of the Highland Fraternal Order of Police to invoke and adopt the provisions of the so-called "meet and confer" law.

Mr. Wszolek inquired whether or not the pending Corporation Bond in the not to exceed amount of \$1.9 million had been considered in preparing the proposed FY 2009 Budget, both in the debt service fund and the its effect in reducing collections to other funds.

- 2. Jim Diehl, 101014 Kennedy Avenue, Highland, inquired how he might be able to review the enrolled or proposed budget. There were no further comments and the public hearing was closed.

At the special meeting of September 30, 2008, in which the budget was adopted, there were no comments written or spoken offered during the adoption hearing.

END of EXHIBIT

- (d) **Enactment No. 2008-43:** AN ENACTMENT REDUCING APPROPRIATIONS in the ANNUAL BUDGET for REDEVELOPMENT CAPITAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

Councilor Herak introduced and moved the consideration of Enactment No. 2008-43 at the same meeting of adoption. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered in the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Enactment No. 2008-43 at the same meeting of adoption. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted in the same meeting of its introduction.

TOWN of HIGHLAND
APPROPRIATION ENACTMENT
Enactment No. 2008-43

AN ENACTMENT REDUCING APPROPRIATIONS in the ANNUAL BUDGET for REDEVELOPMENT CAPITAL FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, It has been determined that it is now necessary to reduce appropriations from what was appropriated in the annual budget for the **Redevelopment Capital Fund**;

WHEREAS, It has been determined that such diminished and reduced appropriations as may be approved by this enactment, will neither increase nor decrease the levy set under I.C. 6-1.1-17 and in the course of collection for FY 2008, however such reduction will work to preserve and balance the proposed 2009 budget, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following appropriations of money are hereby *reduced and ordered returned and reverted to the funds herein* named and for the purposes herein specified, subject to the laws governing the same:

REDEVELOPMENT CAPITAL FUND:

Reduce Account # 310.04 Neighborhood Services.	<u>\$ 20,000.00</u>
Total Reduction to 300 Series:	\$ 20,000.00
Reduce Account # 400.00 Option to Purchase	<u>\$ 245,065.00</u>
Total Reduction to 400 Series:	\$ 245,065.00
Total Reduction for the Fund:	<u>\$ 265,065.00</u>

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these reductions be depicted in the proper documentation accompanying the filing of the Year 2009 Budget, pursuant to IC 6-1.1-17.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 30th day of September 2008. Consent to consider this enactment on same day or at same meeting of introduction sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

Duly Passed and Adopted this 30th Day of September 2008, by the Town Council of the Town of Highland, Indiana. Having passed by a vote of 5 in favor and 0 opposed, with a duly constituted enactment, all pursuant to I.C. 36-5-2-9.6; I.C. 36-5-3-5; I.C. 36-5-4-2.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (e) **Proposed Ordinance No. 1411:** An Ordinance to Amend Sections of Chapter Fifty-One of the Highland Municipal Code, Particularly Amending Several Service Charges, Pursuant to IC 36-1-3 et seq. and other relevant Statutes.

Councilor Herak introduced and moved the consideration of Ordinance No. 1411 at the same meeting of adoption. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered in the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Ordinance No. 1411 at the same meeting of adoption. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted in the same meeting of its introduction.

**Ordinance No. 1411
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND SECTIONS OF CHAPTER FIFTY-ONE of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING SEVERAL SERVICE CHARGES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services ;and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, unrelated to the course of a lawful arrest or criminal processing, including but not limited to services such as immigration processing fingerprinting, elective protective fingerprinting of minor children for parents or employment processing fingerprinting, as well as limited *background checks*; and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, related to the course of a lawful arrest or criminal processing, particularly related to bondable offenses, but for which added time and paperwork ensue and some convenience is provided in permitting avoidance of incarceration at the County Jail; and

Whereas, The Town Board of Metropolitan Police Commissioners has advised the legislative body that a change of the several service charges, established in part to recover costs occasioned by the municipality in the performance of these services, with such charges to be receipted and paid to the municipal treasury, would be desirable in the administration of the municipality and of benefit to the public;

Whereas, The Town Council believes that such fees either being changed or established for first time, all established in part to recover costs occasioned by the municipality in the performance of these services, would be necessary or desirable in the administration of the municipality and of benefit to the public;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by repealing the subchapters comprised of sections §51.35 through §51.73 in their entirety and replacing them with new subchapters and sections, to be numbered as sections §51.35 through 51.64 and Sections 51.70 through, which shall read as follows:

CIVIL FINGERPRINTING SERVICE

§ 51.35 SERVICE ESTABLISHED.

There is hereby authorized and established a municipal service in the Metropolitan Police Department to be called the civil fingerprinting service, designating fingerprinting services not associated with or performed in the course of a lawful arrest or criminal processing, but rather for services including but not limited to immigration processing fingerprinting or elective protective fingerprinting of minor children for parents.

§ 51.36 CIVIL FINGERPRINTING SERVICES BUREAU.

(A) In order to support the organization and administration of the civil fingerprinting service as well as carry out the collection of service charges, there is hereby established in the Metropolitan Police Department a Civil Fingerprinting Service Bureau to be under the supervision of its administrator, who shall be the Chief of Police;

(B) The Civil Finger Printing Service Bureau (hereinafter sometimes referred to as the "bureau") is:

- (1) Hereby authorized and empowered to charge and collect on behalf of the municipality, such service charges as hereinafter may be identified and authorized for the performance of finger printing services to be paid by the parties desiring the service; and
- (2) Hereby authorized and empowered to provide such materials and forms as may be desirable and proper to efficiently administer the purposes and objects of this subchapter including the development of a uniform application form to be used in support of the finger printing service, subject to applicable provisions of law;
- (3) Hereby instructed and directed to develop, compile and maintain records of the services offered, charges collected and such other information as may be desirable and to transmit a report of the activities of the bureau from time to time, to the Town Board of Metropolitan Police Commissioners, the Office of the Clerk-Treasurer and such other officers or persons who may from time to time request such reports.

§ 51.37 SCHEDULE OF CHARGES AND FEES.

(A) The service charges as set forth and contained in the following schedule of charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of the civil fingerprinting service bureau and its delivery of services, and the schedule is hereby authorized and approved:

Schedule of Charges
Civil Fingerprinting Service Bureau

Except as may be otherwise provided, the users of services administered and provided by the bureau will be charged a standard service charge based upon the list herein provided.

Service Charges:

Services related to immigration processing:	\$15 per set
Services related to employment processing:	\$15 per set
Services related to voluntary children public safety fingerprinting	No charge
All other services:	\$15 per set

(B) That services for users who are Highland residents or for services undertaken for a public school located in Highland shall be free and not subject to the service charges and fees herein authorized and established;

(C) That services for users who are Highland residents or for services undertaken for a public school located in Highland still shall be regularly recorded with any user application which may be developed for use with paying users and such users shall be included in the bureau's report provided in § 51.36(B)(3) of this chapter.

§ 51.38 CHARGES AND FEES DEPOSIT PROTOCOL.

(A) All charges and amounts collected by the bureau pursuant to this subchapter shall be deposited with the office of the Clerk-Treasurer and credited to the general fund of the municipality upon its receipt;

(B) That the bureau shall not charge or collect any fee or amount for a service performed under this subchapter that is not authorized or not deposited with the municipality, according to its terms.

LAW ENFORCEMENT PROSPECTIVE PERSONNEL SERVICES

§ 51.40 SPECIAL APPLICATION PROCESSING FEE.

(A) In order to support the many tasks related to its due diligence in recruiting, screening, testing, and eventually selecting the best and most qualified candidates for appointment as police officers in the Metropolitan Police Department of the town, there is hereby authorized and established a special user fee to be known as the Prospective Law Enforcement Personnel Fee.

(B) The Metropolitan Police Department be hereby authorized and empowered to charge and collect on behalf of the municipality such user charges as hereinafter may be identified and authorized as follows:

- (1) Except as expressly otherwise provided in this subchapter, the proper user fee as hereinafter identified shall be paid along with each employment application enrolled and associated with prospective appointment as a law enforcement officer in the metropolitan police department at the time filed;
- (2) The proper user fee hereinafter identified must be paid at the time of the filing of the application for the application to be deemed properly filed.
- (3) The Town Board of Metropolitan Police Commissioners shall be empowered to reduce the fee according to and as identified in the Schedule of Charges and Fees for such applicants who upon application to the Board seek such reduction and who demonstrate such need or circumstances sufficient to support such reduction.
- (4) The Town Board of Metropolitan Police Commissioners shall be empowered to waive the fee according to and as identified in the Schedule of Charges and Fees for such applicants who upon application to the Board seek such waiver and who demonstrate such need or circumstances of indigence sufficient to support such waiver.

§ 51.41 SCHEDULE OF CHARGES AND FEES.

(A) The service charges as set forth and contained in the following Schedule of Charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of such due diligence processes as recruiting, screening, testing, and eventually selecting the best and most qualified candidates for prospective appointment as police officers in the Metropolitan Police Department of Highland, and said Schedule is hereby authorized and approved:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:

Prospective Law Enforcement Personnel Application and Processing Fee:	\$ 25
Prospective Law Enforcement Personnel Application and Processing Fee (Reduced)	\$ 11
Prospective Law Enforcement Personnel Application and Processing Fee (Waived)	\$ 0

§ 51.42 CHARGES AND FEES DEPOSIT PROTOCOL.

(A) All charges and amounts collected by the Metropolitan Police Department pursuant to this subchapter shall be deposited with the Office of the Clerk-Treasurer and credited to the general fund of the municipality upon its receipt.

(B) The Metropolitan Police Department shall not charge or collect any fee or amount for a service performed under this subchapter that is not authorized or not deposited with the municipality, according to its terms.

SPECIAL LAW ENFORCEMENT PROCESSING SERVICES

§ 51.50 IMPOUNDED VEHICLE RELEASE SERVICES and FEE

(A) In order to support the several tasks related to its due diligence in the processing and administration associated with the claim and release of towed and impounded vehicles to the rightful owners, excluding abandoned or junk vehicles that may become property of the vehicle recovery provider, there is hereby authorized and established a special user fee to be known as Impounded Vehicle Release Fee.

(B) The Impounded Vehicle Release Fee hereinafter identified shall be collected by the Highland Metropolitan Police Department before a vehicle is released from impound by a vehicle recovery provider duly authorized to perform vehicle towing and impound services for the Department.

- (1) Said Impounded Vehicle Release Fee shall not apply to any vehicles that may become property of the towing agency due to owner abandonment.
- (2) The Impounded Vehicle Release Fee hereinafter identified shall be collected according to the terms of this subchapter and then be remitted to the Clerk-Treasurer.

(a) Except as otherwise provided herein, a vehicle claimant who fails to pay the Impound Vehicle Release Fee or any towing charge of the vehicle recovery provider imposed in consequence of services initiated by the Metropolitan Police Department, has committed an offense which may be punishable by the imposition of a fine in addition to the payment of the fee.

(b) Except as otherwise provided herein, a vehicle recovery provider who releases a vehicle that has been impounded by direction of the Metropolitan Police Department without written authorization of the Department has committed an offense which may be punishable by the imposition of a fine in addition to the payment of the fee and may result in disqualification as an authorized vehicle recovery provider.

(3) The Town Board of Metropolitan Police Commissioners shall be empowered to make such rules as are consistent with the carrying out of the provisions of this subchapter.

(4) The Town Board of Metropolitan Police Commissioners shall be empowered and has the authority to prescribe towing agency fees, vehicle storage fees and the manner of selecting and dispatching vehicle recovery providers in consequence of services related to law enforcement.

§ 51.51 SCHEDULE OF CHARGES AND FEES

The service charges as set forth and contained in the following Schedule of Charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of the services covered, and said Schedule is hereby authorized and approved:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:	
Impounded Vehicle Release Fee	\$25.00

§ 51.52 CHARGES AND FEES DEPOSIT PROTOCOL.

(A) All charges and amounts remitted to the Metropolitan Police Department pursuant to this subchapter shall be deposited with the Office of the Clerk-Treasurer and credited to the general fund of the municipality upon its receipt.

(B) The Metropolitan Police Department or its qualified vehicle recovery provider shall not charge or collect any fee or amount for a service performed under this subchapter that is not authorized or not deposited with the municipality, according to the terms herein provided.

§ 51.53 BACKGROUND CHECK SERVICES and FEE

(A) In order to support the several tasks related to its due diligence in the processing and administration associated with special requests placed by employers in consequence of pre-employment screening, there is hereby authorized and established a special user fee to be known as Background Check Services Fee.

(B) The Background Check Services Fee hereinafter identified shall be collected by the Highland Metropolitan Police Department for each instance of providing limited reviews and reviews into the background of persons identified as under consideration for prospective employment by an employer. The fee shall be charged per person about whom the limited background check is being performed.

§ 51.54 SCHEDULE OF CHARGES AND FEES

The service charges as set forth and contained in the following Schedule of Charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of the services covered, and said Schedule is hereby authorized and approved:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:	
Background Check Services Fee	\$10.00

§ 51.55 CHARGES AND FEES DEPOSIT PROTOCOL.

(A) All charges and amounts remitted to the Metropolitan Police Department pursuant to this subchapter shall be deposited with the Office of the Clerk-Treasurer and credited to the general fund of the municipality upon its receipt.

(B) The Metropolitan Police Department shall not charge or collect any fee or amount for a service performed under this subchapter that is not authorized or not deposited with the municipality, according to the terms herein provided.

§ 51.56 LAW ENFORCEMENT PROCESSING and RELEASE FEE

(A) In order to support the added administration and additional paperwork, as well as the convenience provided associated with processing the receipt of cash or surety bonds connected with a charge or offense for which the posting of a bond in lieu of incarceration is a lawful option, there is hereby authorized and established a special user fee to be known as *Law Enforcement Processing and Release Fee*.

(B) The *Law Enforcement Processing and Release Fee* hereinafter identified **may** be collected by the Highland Metropolitan Police Department in each instance of providing additional processing and release services for persons charged with an offense for which the posting of a bond in lieu of incarceration is a lawful option. The fee shall be charged at the same time the bond is collected.

§ 51.57 SCHEDULE OF CHARGES AND FEES

The service charges as set forth and contained in the following Schedule of Charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of the services covered, and said Schedule is hereby authorized and approved:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:

Law Enforcement Processing and Release Fee	\$25.00
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§ 51.58 CHARGES AND FEES DEPOSIT PROTOCOL.

(A) All charges and amounts remitted to the Metropolitan Police Department pursuant to this subchapter shall be deposited with the Office of the Clerk-Treasurer and credited to the general fund of the municipality upon its receipt.

(B) The Metropolitan Police Department shall not charge or collect any fee or amount for a service performed under this subchapter that is not authorized or not deposited with the municipality, according to the terms herein provided.

§ 51.60 MOTOR VEHICLE INSPECTION FEES

(A) For services associated with motor vehicle inspections, there is hereby established a Motor Vehicle Inspection Fee, pursuant to IC 9-17-2-12 and IC 9-29-4-2. Whenever an employee of the Police Department performs an inspection of a motor vehicle, semi-trailer, or recreational vehicle pursuant to I.C. 9-17-2-12 prior to registration of the vehicle, the department shall be entitled to charge the fee authorized and identified in this chapter.

(B) Such person inspecting such vehicle shall make a record of inspection upon the prescribed form prepared by the Bureau of Motor Vehicles and verify the facts set out in said application.

(1) Non-commercial applicants shall pay the inspection fee at the time of the inspection. A receipt will be issued for each fee collected. The fee shall be remitted to the Town Clerk-Treasurer (fiscal officer) at least once each week.

(2) Commercial applicants shall be billed on a monthly basis, payable on or before the 15th day of the following month. All requests for inspections by auto dealerships shall be recorded on an "assist cash sheet" specifying the number of vehicles inspected. The inspection form shall contain the date, name of business, number of vehicles inspected and the signatures of the commercial representative and the inspecting officer. These forms will be turned in to the records clerk of the Police Department. No fee shall be collected from any commercial applicant by any employee of the Police Department without authorization from the Chief of Police. These fees shall be remitted to the Town Clerk-Treasurer (fiscal officer) as soon as they are recorded by the Police Department.

§ 51.61 SCHEDULE OF CHARGES AND FEES

(A) The service charges as set forth and contained in the following Schedule of Charges is fixed pursuant to IC 9-29-4-2, which provides that the fee may not exceed \$5.00:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:	
Motor Vehicle Inspection Fee	\$5.00

(B) The Town Clerk-Treasurer (fiscal officer) shall receipt the fees into the fund defined by I.C. 5-2-8-2, the Law Enforcement Continuing Education and Training Fund.

§ 51.63 ACCIDENT REPORTS SERVICES and FEES

For services associated with the preparation and dissemination of accidents reports, there is hereby established a Accident Report Fee, pursuant to IC 9-26-2 and IC 9-29-11. Whenever the Metropolitan Police Department furnishes to any person, by means of a any device which produces or generates duplicates of such records, a copy of the investigator's report of an accident to any person who has sustained any loss or damage by reason of the injury or death of any person or damage to the property caused resulting from the operation, maintenance or use of any vehicle upon any public street or highway of this Town or State, the Town through its Metropolitan Police Department shall be entitled to charge a service fee hereby fixed in the amount identified in this chapter for each report.

§ 51.64 SCHEDULE OF CHARGES AND FEES

(A) The service charges as set forth and contained in the following Schedule of Charges is fixed pursuant to IC 9-29-11-1(a), which provides that the fee may not be less than \$5.00:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:	
Accident Report Fee	\$11.00

(B) The Town Clerk-Treasurer (fiscal officer) shall receipt the fees into the fund defined by I.C. 5-2-8-2, the Law Enforcement Continuing Education and Training Fund.

SPECIAL PATROL ZONES

§ 51.70 SPECIAL PATROL ZONES

(A) That Highland Metropolitan Police Department may commit, augment or dedicate certain law enforcement resources in certain locations within the Town of Highland, for which user fees may be charged, through the use of Special Patrol Zones (SPZ);

(B) Special Patrol Zones established according to this subchapter may be used to permit the provision or assignment of dedicated patrols or watch tours, on properties in which the public is a significant invitee;

(C) The services provided in a Special Patrol Zone may be delivered by law enforcement officers and patrol vehicles of the Highland Metropolitan Police Department;

(D) A Special Patrol Zone may not be created unless a written agreement or memorandum is executed between the owner or owners of the property that may be established as a Special Patrol Zone and the Town of Highland according to this subchapter;

(E) The written agreement or memorandum must be approved by the Town Council and executed by the Town Manager;

(F) Establishment of a special patrol zone does not constitute a private property regulation enforcement agreement as described in IC 9-22-18 et seq. However, the agreements described in IC 9-22-18 may be employed as well as the special patrol zone described in this subchapter.

§ 51.71 IDENTIFYING AND CREATING A SPECIAL PATROL ZONE

(A) The Metropolitan Police Chief after consultation with the Town Board of Metropolitan Police Commissioners may recommend to the Clerk-Treasurer and the Town Council President the establishment of a Special Patrol Zone. The Clerk-Treasurer and the Town Council President may then prepare an agreement or memorandum according to this subchapter for consideration by the Town Council.

(B) The Clerk-Treasurer and the Town Council President may execute an agreement that describes the scope of the patrol services, the time the services may be provided, the user charges for such services and such other

necessary terms and conditions that are necessary or desirable provided that the Town Council adopts a resolution that contains the following findings and determinations:

- (1) *A finding and determination that the proposed location generates significant traffic or other identifiable public safety concerns that the ordinary and regular law enforcement resources may not fully address, so it may be of public good to commit, augment or dedicate certain law enforcement resources in such locations within the Town of Highland, for which the user fees may be charged, through the establishment of Special Patrol Zones (SPZ);*
- (2) *A finding and determination that the establishment of the Special Patrol Zone will not unduly reduce or dilute regular resources or capacity of the Metropolitan Police Department; (Excess capacity)*
- (3) *A finding and determination that the establishment of the Special Patrol Zone serves the public safety interests of the Whole Town and then set forth or identify how; and*
- (4) *A finding and determination that there is or are willing, identifiable owner or owners in the location of the proposed zone, who desire the services described in the agreement or memorandum and are willing to pay the user fees associated with the special patrol zones;*

(C) A Special Patrol Zone will remain in effect or endure according to terms established in a written agreement or memorandum prepared pursuant to this subchapter.

(D) The proper officers may reapply to have an area designated as a Special Patrol Zone area under the application and approval process described in this subchapter.

§ 51.72 RECORD OF SPECIAL PATROL ZONES

(A) The Metropolitan Police Chief shall maintain a list of any and all Special Patrol Zones as well as a copy of any and all associated written agreements or memoranda;

(B) The Metropolitan Police Chief shall file with the Town Clerk-Treasurer a copy of all lists of Special Patrol Zones as well as the original executed version of any and all associated written agreements or memoranda;

(C) The list and the agreements shall be public records of the municipality and available for inspection according to the provisions of IC 5-14-3 et seq.

§ 51.73 COLLECTION AND DISPOSITION OF SPECIAL PATROL ZONES FEES

(A) Reasonable user fee(s) to support the costs and administration of the special patrol services of the zone are authorized as provided in this subchapter;

(B) No fees for services of the Special Patrol Zone shall be charged unless such fees are set forth in a written and approved agreement or memorandum as provided in Section § 51.71 of this subchapter;

(C) All fees and charges shall be billed and collected by the Metropolitan Police Department, according to terms set forth in a written agreement or memorandum and deposited with the Clerk-Treasurer, according to this subchapter;

(D) The Clerk-Treasurer shall deposit the fees to the credit of the Corporation General Fund, and account for these as other receipts or revenues of the municipality;

(E) Failure for an identified payer to timely or fully pay user fees according to this chapter, **shall** (or may) repeal and abolish the special patrol zone and subject the payer to reinstatement fees;

Section 2. That the Highland Municipal Code be amended by repealing §70.07 and Section §70.40 in their entirety.

Section 3. That should a court find any provision of this ordinance to be unlawful or unenforceable, those provisions not so found shall continue to be in full force and effect;

Section 4. That any patrol services activity described or contemplated under this ordinance which may have taken place before the passage and adoption of this ordinance, including the fees for services collected in consequence of the activity and deposited in the proper fund of the Town of Highland is hereby ratified, authorized and approved, pursuant to IC 36-1-4-16;

Section 5 Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 30th day of September 2008. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 30th Day of September 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (f) **Proposed Ordinance No. 1409:** An Ordinance to Amend Various Titles of the Highland Municipal Code, particularly modifying or amending certain user fees and charges related to Building, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency.

Councilor Herak introduced and moved the consideration of Ordinance No. 1409 at the same meeting of adoption. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered in the same meeting of its introduction.

Councilor Novak moved the passage and adoption of Ordinance No. 1409 at the same meeting of adoption. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted in the same meeting of its introduction.

ORDINANCE No. 1409
of the
TOWN of HIGHLAND, INDIANA

A N ORDINANCE to AMEND VARIOUS TITLES of the HIGHLAND MUNICIPAL CODE,
PARTICULARLY MODIFYING OR AMENDING CERTAIN USER FEES AND CHARGES, REPEALING ALL
ORDINANCES in CONFLICT THEREWITH, and DECLARING an EMERGENCY

WHEREAS, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute; and

WHEREAS, IC 36-8-2 specifically provides that a unit of local government may regulate and license building and development in the municipality;

WHEREAS, The Highland Town Council has determined that the amendment of certain fees and charges determined to be reasonable and just rates reasonably related to the administration of particular public functions is an exercise of local authority consistent with the provisions of IC 36-8-2-8 and necessary or desirable in the conduct of its affairs;

WHEREAS, It would be and is in the best interest of the Town of Highland to enact such an ordinance as an amendment to the following sections of the Highland Municipal Code;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section 210.002 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 210.002 to read as follows:

§ 210.002 FEES AND CHARGES

(A) *Buildings.* The permit issued under this section will be valid for a period of 180 days. During the time of its validity, application for a refund for the full amount may be granted subject to a **processing fee** as fixed herein. Extensions may be applied for and granted subject to the appropriate renewal fee. No refund may be granted for any permit fees on a permit, which has expired. Refunds may be granted for the value of the permit, which represents inspection, wrecking and other related fees, in the full amount of the fees, minus any fees for services already performed, subject to a *processing fee* as fixed herein. In all cases, plan review is conducted in advance of the issuance of a permit and is not recoverable.

Schedule

Building permit and related fees are to be charged according to the following Schedule:

Refund processing Fee: \$13.00

Building (Construction) Permit Fees are to be charged according to the following schedule:

- | | | |
|-----|---|----------------------|
| (1) | For a total valuation from \$100 to \$1,000: | \$36.50 |
| (2) | For each additional \$1,000 or fraction thereof: | \$11.00 |
| (3) | Permit renewal: | 50% of original cost |
| (4) | Residential plan review:
<i>Performed by Building & Inspection Dept.</i> | \$60.50 |
| (5) | Commercial plan review:
<i>Performed by Building & Fire Depts.</i> | \$181.50 |

Wrecking or demolition permit fees are to be charged according to the following Schedule:

- | | | |
|-----|---|---------|
| (1) | 500 square feet or less: | \$36.50 |
| (2) | Over 500 sq. feet to 2,500 sq. feet | \$55.00 |
| (3) | For each additional 2,500 sq. feet or major fraction thereof over 2,500 sq. feet: | \$66.00 |

Building inspection fees are to be charged by multiplying the number of required inspections by the associated inspection fee, according to the following schedule or table:

Table of Inspection Fees

Types of Construction	Required Inspections	Inspection Fee
1 or 2 family dwelling; detached	4	\$36.50
Apartments, hotels, motels;each unit	4	\$36.50
Business, commercial;public	*	\$36.50
Educational, institutional, church	*	\$36.50
Industrial warehouse, bulk storage	*	\$36.50
Mobile homes, temporary structures	3	\$36.50
Accessory Buildings	3	\$36.50
Additions/ alterations (all occupancies)	*	\$36.50
* To be determined by Building Commissioner		(see § 210.023)

Red-tag / Re-Inspection	(1 st) \$31	(2 nd) \$43	(all others) \$60.50
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(B) **Electrical.** The permit issued under this section will be valid for a period of **180 days**. During the time of its validity, application for a refund for the full amount may be granted subject to retention of the filing fee and a processing fee. No refund may be granted for any permit fees on a permit, which has expired. Refunds may be granted for inspection and other related fees, in the full amount of the fees, minus any fees for services already performed, subject to retention of the filing fee and processing fee as fixed herein. Electrical Permit and related fees are as follows:

Schedule

Electrical permit and related fees are to be charged according to the following Schedule:

Refund processing Fee: \$ 6.00

Filing Fee: \$43.00

Electrical Inspection fees are to be charged according to the following Schedule:

(1)	Re-inspection fee (RED TAG):	
(a)	First Re-inspection	\$31.00
(b)	Second Re-inspection	\$43.00
(c)	All others	\$60.50
(2)	Single-phase service:	75¢ per amp
(3)	Three-phase service	80¢ per amp
(4)	Illuminated sign:	
(i)	Less than 100 square feet:	\$31.00
(ii)	Over 100 square feet:	\$60.50
(5)	Temporary pole service:	\$31.00
(6)	Minimum inspection:	\$31.00
(7)	Remodeling:	\$60.50
(8)	HVAC (heating, venting and air conditioning):	\$36.50
	(please see § 210.050)	

(C) Plumbing. The permit issued under this section will be valid for a period of 180 days. During the time of its validity, application for a refund for the full amount may be granted subject to retention of the filing fee and a processing fee. No refund may be granted for any permit fees on a permit, which has expired. Refunds may be granted for inspection and other related fees, in the full amount of the fees, minus any fees for services already performed, subject to retention of the filing fee and **a processing fee as fixed herein**. Plumbing Permit and related fees are as follows:

Schedule

Plumbing permit and related fees are to be charged according to the following Schedule:

Refund processing Fee:	\$ 6.00
Filing Fee:	\$43.00

Inspection Fees.

(1)	For each plumbing fixture:	\$ 8.25
(2)	Minimum inspection:	\$31.00
(3)	Remodeling:	\$60.50
(4)	Underground inspection:	\$31.00
(5)	Re-inspection fees (RED TAG):	
(a)	First re-inspection:	\$31.00
(b)	Second re-inspection	\$43.00
(c)	All others	\$60.50
(6)	Septic Tank:	\$90.25
(7)	Septic Tank By-Pass:	\$31.00
(8)	Lawn Sprinkler system:	
(a)	Basic fee:	\$31.00
(b)	Plus sprinkler head fee:	80¢ ea.
(9)	Fire sprinkler system	
(a)	Basic fee:	\$33.00
(b)	Plus sprinkler head fee:	80¢ ea.

Section 2. That Section 210.066 subsection (G) of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 210.066 (G) to read as follows:

(G) The inspector shall receive no annual salary but shall be compensated at the rate of **fifteen dollars (\$15)** for each one-unit plumbing examination proctored as provided in §210.074 and **twenty-one dollars (\$21)** for each inspection performed. Such inspections will include the following:

- (1) Rough inspection.
- (2) Final inspection.
- (3) Underground.
- (4) Sewer tap inspection.
- (5) Water tap inspection.
- (6) Reinspections in consequence of red tagging.

Section 3. That Section 210.046 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 210.046 to read as follows:

§ 210.046 SPECIAL PROVISIONS FOR HOMEOWNERS.

Any homeowner desiring to perform electrical work in his own home must, before doing any electrical work, register with the electrical inspector, and upon payment of a non-refundable fee in the amount fixed herein, request a one-unit examination. Upon successfully passing the examination, the homeowner may then apply for a one-unit permit. The fee shall be deposited with the office of the Clerk-Treasurer.

Electrical Examination Fee:	\$35
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Section 4. That Section 210.074 subsection (A) of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 210.074 (A) to read as follows:

(A) Any person desiring to perform plumbing work in that person's home or residence must register with the plumbing inspector before doing any plumbing. Such a person will be required to successfully complete a one-unit plumbing examination and pay an **examination fee of \$35**. Upon passing the examination, the person shall be required to apply for a one-unit plumbing permit prior to the start of any plumbing work contemplated.

Section 5. That Section 210.089 subsection (P)(1) through (3) (Contractors' License Filing Fee) of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 210.089 (P)(1) through (3) to read as follows:

(P) The fees to be charged by and paid to the Council's designee by licensees for all licenses and renewals thereof shall be as follows:

- (1) A filing fee of \$25 shall accompany an application for as a contractor;
- (2) A license fee of \$50 shall be required for the initial issuance of the license upon successful approval of the application;
- (3) A license fee of \$50 shall be required for every annual renewal of a license.

Section 6. That Section 210.051 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 210.051 to read as follows:

§ 210.051 SWIMMING POOL INSTALLATION AND INSPECTION.

(A) Any person, firm, or organization wishing to install a swimming pool within the territorial limits of the town shall obtain a permit from the proper department of the town prior to installation of the swimming pool.

(B) The electrical inspector of the Town of Highland shall inspect the installation of the above-ground swimming pool upon its completion and before the final occupancy permit is given.

(C) Swimming Pool Permit and related fees are to be charged according to the following Schedule:

Schedule

Inspection Fee:	\$36.50
Installation Permit Fee:	\$36.50

Section 7. That Section 172.36 of the Highland Municipal Code be repealed in its entirety and amended by adding a new Section to be numbered 172.36 to read as follows:

§ 172.36 ROAD CUT PERMIT FEES

(A) Permit fees for the construction of open road cuts or jacking or sleeving operations shall be paid prior to the issuance of a permit.

(B) A separate permit fee is required for each open road cut or jacking or sleeving operation.

(C) Said fee shall be paid to the Office of the Clerk-Treasurer.

(D) The permit will be valid for a period of sixty (60) days. During the time of its validity, application for a refund for the full amount may be granted subject to a processing fee as fixed herein. No refund may be granted for any permit, which has expired.

Schedule

Refund Processing Fee: \$ 13.00

Road cut Permit Fee: \$120.00

Section 8. All provisions of ordinances in conflict with the provisions hereof are hereby repealed.

Section 9. Whereas an emergency exists, this Ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law, until its subsequent amendment or repeal by proper ordinance, *provided, any increase in fees described herein shall not go into effect until ninety (90) days following their publication pursuant to IC 5-3-1, as set forth in IC 36-5-2-10(d).*

Introduced and Filed on the 30th day of September 2008. Consideration on same day or at same meeting of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 30th Day of September 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

(g) Consideration of **Introduced Ordinance No. 1405: An Ordinance of Appropriations and Budget Levies and Rates for the 2009 Budget.** *Councilor Vassar introduced and filed Ordinance No. 1405 at the Council meeting of September 8, 2008. There was no further action.*

Councilor Vassar moved the passage and adoption of Ordinance No. 1405. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The budget ordinance was adopted.

**TOWN OF HIGHLAND
ORDINANCE NO. 1405**

TOWN OF HIGHLAND, LAKE COUNTY, INDIANA

**AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES
OF THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA**

BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That for the expenses of the Town government and its institutions for the year ending **December 31, 2009**, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law. In addition, for the purpose of raising revenue to meet the necessary expenses of Town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms No. 4-A and 4-B for all funds are made a part of the budget and submitted herewith.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Town Council of the Town of Highland.

Introduced and Filed on the 8th day of September 2008. Consideration on First Reading not entertained, pursuant to I.C. 6-1.1-17-3(a); I.C. 6-1.1-17-5(a)(8) and I.C. 36-5-3-4.

DULY ORDAINED AND ADOPTED this 30th Day of September, 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

Town of Highland, Indiana
By its Town Council:

Having Voted in the Affirmative:

Having Voted in the Negative:

/s/ Bernie Zemen
Konnie Kuiper
Mark A. Herak
Dan Vassar
Brian Novak

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Town Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Corporation General Fund:

(departmentalized)

Proposed

FY 2009

Adopted

Office of the Town Council

Personnel Services	\$ 78,629	\$ 78,629
Supplies	\$ 700	\$ 700
Other Services & Charges	\$ 218,662	\$ 212,662
Capital Outlays	\$ -	\$ -
Department Total:	\$ 297,991	\$ 291,991

Advisory Board of Zoning Appeals

Personnel Services	\$ 3,359	\$ 3,359
Supplies	\$ 200	\$ 200
Other Services & Charges	\$ 8,520	\$ 8,520
Capital Outlays	\$ -	\$ -
Department Total:	\$ 12,079	\$ 12,079

Volunteers in Policing

Personnel Services	\$ 3,220	\$ 3,220
Supplies	\$ 17,600	\$ 17,600
Other Services & Charges	\$ 1,650	\$ 1,650
Capital Outlays	\$ -	\$ -
Department Total:	\$ 22,470	\$ 22,470

Office of the Clerk-Treasurer

Personnel Services	\$ 106,699	\$ 106,699
Supplies	\$ 3,400	\$ 3,400
Other Services & Charges	\$ 57,461	\$ 57,461
Capital Outlays	\$ -	\$ -
Department Total:	\$ 167,560	\$ 167,560

Building Inspection Department

Personnel Services	\$	226,472	\$	226,472
Supplies	\$	8,750	\$	8,750
Other Services & Charges	\$	62,643	\$	62,643
Capital Outlays	\$	-	\$	-
Department Total:	\$	297,865	\$	297,865

Fire Department

Personnel Services	\$	204,215	\$	204,215
Supplies	\$	26,645	\$	26,645
Other Services & Charges	\$	85,575	\$	85,575
Capital Outlays	\$	41,000	\$	41,000
Department Total:	\$	357,435	\$	357,435

Plan Commission Dept.

Personnel Services	\$	2,842	\$	2,842
Supplies	\$	325	\$	325
Other Services & Charges	\$	22,920	\$	22,920
Capital Outlays	\$	-	\$	-
Department Total:	\$	26,087	\$	26,087

Metropolitan Police Department

Personnel Services	\$	3,431,729	\$	3,352,379
Supplies	\$	166,700	\$	151,700
Other Services & Charges	\$	786,682	\$	727,838
Capital Outlays	\$	-	\$	-
Department Total:	\$	4,385,111	\$	4,231,917

Sanitation & Streets Department

Personnel Services	\$	294,280	\$	294,280
Supplies	\$	30,550	\$	30,550
Other Services & Charges	\$	1,396,754	\$	1,396,754
Capital Outlays	\$	-	\$	-
Department Total:	\$	1,721,584	\$	1,721,584

Services & Works Board Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	-	\$	-
Other Services & Charges	\$	764,046	\$	764,046
Capital Outlays	\$	-	\$	-
Department Total:	\$	764,046	\$	764,046

Town Hall and Monuments Dept.

Personnel Services	\$	-	\$	-
Supplies	\$	3,800	\$	3,800
Other Services & Charges	\$	52,300	\$	52,300
Capital Outlays	\$	-	\$	-
Department Total:	\$	56,100	\$	56,100

Fund Total: \$ 8,108,328 \$ 7,949,136

Proposed (est.) Rate for the Fund \$ 0.6491 per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$ 0.6491 per \$100 dollars of av

Redevelopment General Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 65,760	\$ 65,760
Supplies	\$ 3,000	\$ 3,000
Other Services & Charges	\$ 86,400	\$ 86,400
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 155,160	\$ 155,160
Proposed (est.) Rate for the Fund	\$ 0.0169	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0159	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		

Redevelopment Capital Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 26,100	\$ 26,100
Capital Outlays	\$ 374,000	\$ 374,000
Fund Total:	\$ 400,100	\$ 400,100
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av
Rate for both the Redevelopment General and the Redevelopment Capital is capped at .0333, pursuant to IC 36-7-14-28.		
		0.0159

Parks and Recreation Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 865,000	\$ 865,000
Supplies	\$ 122,000	\$ 122,000
Other Services & Charges	\$ 871,000	\$ 871,000
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 1,858,000	\$ 1,858,000
Proposed (est.) Rate for the Fund	\$ 0.1226	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.1199	per \$100 dollars of av

Police Pension 1925 Fund:

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 746,947	\$ 746,947
Supplies	\$ 310	\$ 310
Other Services & Charges	\$ 1,105	\$ 1,105
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 748,362	\$ 748,362
Proposed (est.) Rate for the Fund	\$ 0.0409	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0064	per \$100 dollars of av

Parks Dist Bond & Lease Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 537,278	\$ 537,278
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 537,278	\$ 537,278
Proposed (est.) Rate for the Fund	\$ 0.0586	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0586	per \$100 dollars of av

Corporation Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 325,164	\$ 325,164
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 325,164	\$ 325,164
Proposed (est.) Rate for the Fund	\$ 0.0469	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0469	per \$100 dollars of av

Municipal Cum Cap Dev Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 153,846	\$ 138,846
Capital Outlays	\$ 207,000	\$ 17,000
Fund Total:	\$ 360,846	\$ 155,846
Proposed (est.) Rate for the Fund	\$ 0.0417	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0417	per \$100 dollars of av
The rate is fixed or capped by I.C. 36-9-15.5 et seq.		

Motor Vehicle Highway Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 483,365	\$ 483,365
Supplies	\$ 360,120	\$ 360,120
Other Services & Charges	\$ 98,676	\$ 98,676
Capital Outlays	\$ 38,000	\$ 38,000
Fund Total:	\$ 980,161	\$ 980,161
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Local Roads & Streets Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 69,449	\$ 69,449
Supplies	\$ -	\$ -
Other Services & Charges	\$ 325,000	\$ 325,000
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 394,449	\$ 394,449
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Cumulative Cap Imp. Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 182,000	\$ 182,000
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 182,000	\$ 182,000
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Law Enf. Ed., Trng., & Supply Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ -	\$ -
Supplies	\$ 10,500	\$ 10,500
Other Services & Charges	\$ 20,900	\$ 20,900
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 31,400	\$ 31,400
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Solid Waste District Grant Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ 11,375	\$ 11,375
Other Services & Charges	\$ 111,600	\$ 111,600
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 122,975	\$ 122,975
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Redevelopment Bond Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services		
Supplies	\$ -	\$ -
Other Services & Charges	\$ 607,281	\$ 607,281
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 607,281	\$ 607,281
Proposed (est.) Rate for the Fund	\$ 0.0478	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ 0.0478	per \$100 dollars of av

Information & Comm Tech

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 17,812	\$ 17,812
Supplies	\$ -	\$ -
Other Services & Charges	\$ 164,278	\$ 164,278
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 182,090	\$ 182,090
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

VIPS/PARKS Public Safety Fund

	<i>Proposed</i>	<i>Adopted</i>
Personnel Services	\$ 500	\$ 500
Supplies	\$ 5,500	\$ 5,500
Other Services & Charges	\$ -	\$ -
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 6,000	\$ 6,000
Proposed (est.) Rate for the Fund	\$ -	per \$100 dollars of av
Adopted (Est.) Rate for the Fund	\$ -	per \$100 dollars of av

Special Events Non Reverting

	Proposed	Adopted
Personnel Services \$	10,930	\$ 10,930
Supplies \$	1,000	\$ 1,000
Other Services & Charges \$	43,850	\$ 43,850
Capital Outlays \$	-	\$ -
Fund Total: \$	55,780	55,780
Proposed (est.) Rate for the Fund \$	-	per \$100 dollars of av
Adopted (Est.) Rate for the Fund \$	-	per \$100 dollars of av
Total of All Funds: \$	15,055,374	14,691,182

2. Review of Budget of the Sanitary District, pursuant to IC 6-1.1-17-20. *The Budget is not increased over the prior year. However, under amendments to IC 6-1.1-17-20, the Sanitary District body shall submit its proposed budget and property tax levy to the town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the town fiscal body is required to hold budget approval hearings under this chapter. The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy. The Board of Sanitary Commissioners took its last action at its adoption meeting of September 2, 2008. The final adoption vests with the Town Council. The Town Council should take its final action at its regular meeting of September 22, 2008.*

(a) Action on Introduced **Enactment No. 2008-37:** Fiscal Body Reviewing and Acting upon The Budget of the Sanitary District of the Town of Highland, Lake County, INDIANA. Councilor Herak introduced and filed Enactment No. 2008-37 at the Town Council meeting of September 8, 2008. There was no further action.

Councilor Herak moved the passage and adoption of Enactment No. 2008-37. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment was adopted.

Enactment No. 2008-37
of the
TOWN COUNCIL acting as the FISCAL BODY REVIEWING and ACTING UPON
THE BUDGET OF THE SANITARY DISTRICT of the
TOWN of HIGHLAND, LAKE COUNTY, INDIANA

AN ENACTMENT for APPROPRIATIONS and TAX RATES
of the SANITARY DISTRICT OF HIGHLAND, LAKE COUNTY, INDIANA

BE IT HEREBY ORDAINED AND ENACTED BY the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. Pursuant to the provisions of IC 6-1.1-17-20, the Town Council of Highland hereby finds and determines the following:

- (A) That the Sanitary District is a political subdivision, whose governing body, the Board of Sanitary Commissioners is comprised entirely of non-elected, appointed officials;
- (B) That the assessed valuation of the Sanitary District is entirely contained within and is coterminous with the boundaries of the Corporate Town of Highland;
- (C) That the percentage increase in the proposed budget for the taxing unit for the ensuing calendar year is more than the result of the assessed value growth quotient determined under **IC 6-1.1-18.5-2 (c)** for the ensuing year minus one (1), thus making *any increase* subject to review;

Section 2. That for the expenses of the Sanitary District for the year ending **December 31, 2009**, the sums of money shown on Budget Form 4-A for the year ending **December 31, 2009**, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing same. Such sums herein appropriated shall be held to

include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law. In addition, for the purpose of raising revenue to meet the necessary expenses of the Sanitary District, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms No. 4-A and 4-B for all funds are made a part of the budget and submitted herewith.

Section 3. This enactment shall be in full force and effect from and after its passage and approval by the Town Council of the Town of Highland, Lake County, Indiana for the Board of Sanitary Commissioners of the Sanitary District of Highland.

Introduced as a proposal for public hearing on Tuesday, August 19, 2008.

Filed on September 3, 2008, which is at least 14 days before the town fiscal body is required to hold budget approval hearings under IC 6-1.1-17.

ADOPTED by the Board of Sanitary Commissioners of the Town of Highland Sanitary District, Lake County, Indiana on this 2nd Day of September 2008, by the Board Having been passed by a vote of 5 in favor and 0 opposed.

Introduced and Filed on the 8th day of September 2008. Consideration on First Reading not entertained, pursuant to I.C. 36-5-3-4.

DULY ORDAINED AND FINALLY ADOPTED this 30th Day of September, 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed, pursuant to **IC 6-1.1-17-20(c) and (e).**

Town of Highland, Indiana
By its Town Council:

Having Voted in the Affirmative:

Having Voted in the Negative:

/s/ Bernie Zemen
Konnie Kuiper
Mark A. Herak
Dan Vassar
Brian Novak

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Town Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Sanitary District Special Operating Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ 115,729	\$ 115,729
Supplies	\$ 2,450	\$ 2,450
Other Services & Charges	\$ 91,420	\$ 91,420
Capital Outlays	\$ 18,000	\$ 18,000
Fund Total:	\$ 227,599	\$ 227,599
Adopted (est.) Rate for the Fund	\$ 0.0209	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ 0.0209	per \$100 dollars of av

Sanitary District Bond and Interest Fund

	<i>Adopted</i>	<i>Final Approval</i>
Personnel Services	\$ -	\$ -
Supplies	\$ -	\$ -
Other Services & Charges	\$ 558,993	\$ 558,993
Capital Outlays	\$ -	\$ -
Fund Total:	\$ 558,993	\$ 558,993
Adopted (est.) Rate for the Fund	\$ 0.0624	per \$100 dollars of av
Final (Est.) Rate for the Fund	\$ 0.0624	per \$100 dollars of av

General Orders:

1. **Ordinance No. 1410:** An Ordinance to Waive Building Permit Fees for activities undertaken in consequence of the Storm Event of September 13-14, 2008.

Councilor Herak introduced and moved the consideration of Ordinance No. 1410 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Novak moved the passage and adoption of Ordinance No. 1410 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of introduction.

**ORDINANCE No. 1410
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE WAIVING PERMIT FEES FOR RESTORING STRUCTURES DAMAGED BY THE SEPTEMBER 2008 STORM EVENT

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon local units of government the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, Heavy rains swept through Lake County on September 13 and 14, 2008 that resulted in flooding, sewer backup, damage to personal property and structures within the Town of Highland;

WHEREAS, A state of disaster emergency was declared by Chief Executive Officers of the Town of Highland, Lake County and the State of Indiana;

WHEREAS, The Town Council desires to provide financial assistance to homeowners who will be incurring costs to restore their damaged structures.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Building Commissioner is hereby authorized and directed to waive or refund building, electrical, plumbing, heating, ventilation, air conditioning and any other miscellaneous permit and inspection fees established by Chapter 210 Title 21 of the Code of Ordinances of the Town of Highland that would apply to restoring structures damaged by the September 2008 storm event.

Section 2. Waiver or refund of said fees is subject to written certifications from both the contractor and either the property owner or any person having a leasehold interest in the property that permit fees have been excluded in the scope of the storm restoration project contract.

Section 3. The provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a). This ordinance shall remain in effect until **April 1, 2009** or until amended by the Town Council.

Section 4 This ordinance amends only those sections that pertain to building, electrical, plumbing, heating, ventilation, air conditioning and any other miscellaneous permit and inspection fees established by Chapter 210 Title 21 of the Code of Ordinances of the Town of Highland. In all other respects, the provisions of Chapter 210 Title 21 of the Code of Ordinances of the Town of Highland remain in full force and effect.

Introduced and Filed on the 30th day of September 2008. Consideration on the same day at same meeting of introduction was approved, attaining a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 30th Day of September 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of HIGHLAND,
LAKE COUNTY, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Payment of Accounts Payable Vouchers. There being no further business from the floor, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period September 23, 2008 through to September 30, 2008. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$3,600.00; Total: \$ 3,600.00.

Adjournment. Councilor Vassar moved that the special meeting be adjourned. Councilor Novak seconded. Upon a vote, *viva voce*, the motion passed. The special meeting of the Town Council meeting of Tuesday, September 30, 2008 was adjourned at 7:16 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer